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UNDER 37 CFR 1.116
EXPEDITED PROCEDURE

Dkt. #850-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John H. HEALEY and Gene R. DIRESTA
U.S. Serial No. : 09/890,116 Examiner: Donna A. Jagoe
Filing Date : July 26, 2001 Art Unit: 1614
For : ANTI-RESORPTIVE BONE CEMENTS AND
ALLOGENEIC, AUTOGRAPHIC, AND XENOGRAPHIC
BONE GRAFTS

Law Offices of Albert Wai-Kit Chan, LLC
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April 1, 2004

Commissioner for Patents
P.O. Box AF
Alexandria, VA 22313-1450

Sir/Madam:

PROPOSED AMENDMENT IN RESPONSE TO DECEMBER 8, 2003 FINAL
OFFICE ACTION AND PETITION TO REQUEST
ONE-MONTH EXTENSION OF TIME

This Amendment is submitted in response to the December 8, 2003 Final Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the December 8, 2003 Office Action is due by March 8, 2004. Applicants would like to file a Petition to Request One-Month Extension of Time in response to the December 8, 2003 Final Office Action and respectfully request the petition fee of FIFTY-FIVE DOLLARS (\$55.00) be charged to Deposit Account No. 50-1891. Accordingly, after the one-month extension of time, the deadline for responding to the December 8, 2003 Office Action is now April 8, 2004.

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Further, regardless of the particle size of drug within the cement, once the cement-drug powder is combined with the monomer catalyst, a viscous suspension of cement and drug is formed that becomes uniformly blended and separation associated with particle size can no longer occur because the viscous solution, by virtue of polymerization, becomes a dough and finally a solid. Thus a large particle drug will be uniformly distributed within the cement during the mixing with monomer. However, drug content of solid per exposed surface area is a function of particle size. The smaller the particle size the more drug available for contact with bone.

Applicants believe that the above arguments address Remington's particle size issue and respectfully request the reconsideration and withdrawal of all ground of rejections.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

No fee other than the \$55.00 Petition to Request One-Month Extension fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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